

1 DAVID Z. CHESNOFF, ESQ.

2 *Pro Hac Vice*

3 RICHARD A. SCHONFELD, ESQ.

4 California Bar No. 202182

5 CHESNOFF & SCHONFELD

6 520 South Fourth Street

7 Las Vegas, Nevada 89101

8 Telephone: (702) 384-5563

9 dzchesnoff@cslawoffice.net

10 rschonfeld@cslawoffice.net

11 Attorneys for Defendant, ALEXANDER SMIRNOV

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA

14 * * * * *

15 UNITED STATES OF AMERICA,)

16)

17 Plaintiff,)

18)

CASE NO. 2:24-CR-00091-ODW

19 v.)

20)

21 ALEXANDER SMIRNOV,)

22)

23 Defendant,)

24)

25 **DEFENDANT'S EX PARTE MOTION FOR AN ORDER SHORTENING**
26 **TIME TO BE HEARD ON DEFENDANT'S MOTION TO REOPEN**
27 **DETENTION HEARING AND IMPOSE CONDITIONS OF PRETRIAL**
28 **RELEASE (DKT 75)**

COMES NOW, Defendant, ALEXANDER SMIRNOV ("Mr. Smirnov"), by
and through his attorneys, DAVID Z. CHESNOFF, ESQ., and RICHARD A.
SCHONFELD, ESQ., of the law firm of CHESNOFF & SCHONFELD and hereby

1 Submits his *Ex-Parte* Motion for an Order Shortening Time to be Heard on his
2 Motion to Reopen Detention Hearing and Impose Conditions of Release (Dkt 75).
3

4 The Hearing is currently scheduled for June 24, 2024, at 10:00m and the
5 Motion will be fully briefed by June 7, 2024.

6 This Motion is made and based upon the papers and pleadings on file herein,
7 and the attached Memorandum of Points and Authorities.
8

9 Dated this 6th day of June, 2024.

10
11 Respectfully Submitted:

12 CHESNOFF & SCHONFELD

13
14 /s/ David Z. Chesnoff

15 DAVID Z. CHESNOFF, ESQ.

16 *Pro Hac Vice*

17 RICHARD A. SCHONFELD, ESQ.

18 California Bar No. 202182

19 520 South Fourth Street

20 Las Vegas, Nevada 89101

21 Telephone: (702)384-5563

22 rschonfeld@cslawoffice.net

23 dzchesnoff@cslawoffice.net

24 Attorneys for Defendant

25 ALEXANDER SMIRNOV
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Mr. Smirnov filed his Motion to Reopen Detention Hearing and Impose
3 Conditions of Release on May 24, 2024 (Dkt 75). Mr. Smirnov filed a Supplement
4 to that Motion on May 31, 2024 (Dkt 76). The Government filed its Opposition on
5 May 31, 2024 (Dkt 77). Mr. Smirnov will be filing his Reply no later than June 7,
6 2024, and the Motion will then be fully briefed.
7

8 Mr. Smirnov is respectfully requesting that the hearing on the Motion be
9 advanced for the following reasons:
10

- 11
- 12 1. Mr. Smirnov still has not received the medically necessary eye surgery, that
13 this Honorable Court believed was going to take place before the end of
14 May, 2024;
15
 - 16 2. Mr. Smirnov was transferred from the Santa Ana Jail to the MDC, where is
17 he now housed in the Special Housing Unit (“SHU”). That housing
18 designation has drastically limited his ability to prepare his defense in this
19 case. Mr. Smirnov has repeatedly requested legal calls that have not been
20 provided, during in person attorney visits Mr. Smirnov is shackled and
21 documents have to be passed through a partition, counsel is not permitted to
22 bring a laptop computer to visits thereby denying Mr. Smirnov the ability to
23 review the voluminous electronic discovery that has been produced, and Mr.
24 Smirnov can no longer communicate with counsel by email. As a result, it is
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1 respectfully submitted that Mr. Smirnov cannot effectively assist his counsel
2 in preparing the defense of his case.
3

4 These circumstances warrant a hearing on an expeditious basis, and
5 therefore it is respectfully requested that this Honorable Court advance the hearing
6 on the Motion to Reopen the Detention Hearing. The Motion at Dkt 75 sets forth
7 the detailed basis upon which Mr. Smirnov is renewing his request for pretrial
8 release.
9

10 Counsel Chesnoff communicated with counsel for the United States and they
11 Oppose this Motion and further assert that no hearing should be held on Mr.
12 Smirnov's Motion to Reopen the Detention Hearing.
13

14 DATED this 6th day of June, 2024.
15

16 Respectfully Submitted:

17 CHESNOFF & SCHONFELD
18

19 /s/ David Z. Chesnoff

20 DAVID Z. CHESNOFF, ESQ.

21 *Pro Hac Vice*

22 RICHARD A. SCHONFELD, ESQ.

23 California Bar No. 202182

24 520 South Fourth Street

25 Las Vegas, Nevada 89101

26 Telephone: (702)384-5563

27 rschonfeld@cslawoffice.net

28 dzchesnoff@cslawoffice.net

Attorneys for Defendant

ALEXANDER SMIRNOV

DECLARATION OF COUNSEL

I, David Z. Chesnoff, do hereby declare that the following statements are true and correct:

1. I am co-counsel of record for Defendant Alexander Smirnov in this case;
2. The assertions in the underlying *Ex Parte* Motion are true and correct to the best of my knowledge and belief.
3. Undersigned counsel conferred with counsel for the government via email and were unable to resolve this request.
4. Undersigned counsel has also notified counsel for the government via email of the filing of this *Ex Parte* Motion. Specifically, the following counsel for the government are being notified by email of this Motion:

Derek Edward Hines
US Department of Justice
Office of Special Counsel David C. Weiss
950 Pennsylvania Avenue NW Room B-200
Washington, DC 20530
771-217-6091
Email: deh@usdoj.gov

Leo J. Wise
US Department of Justice
Office of Special Counsel David C. Weiss
950 Pennsylvania Avenue, NW, Room B-200
Washington, DC 20530
771-217-6091
Email: LJW@USDOJ.GOV

1 Christopher Michael Rigali
2 Office of Special Counsel, U.S. Dept. of Justice
3 950 Pennsylvania Avenue NW, Room B-200
4 Washington, DC 20530
5 202-616-2652
6 Email: christopher.rigali2@usdoj.gov

7 Sean F Mulryne
8 Office of the Special Counsel - Weiss
9 950 Pennsylvania Avenue NW, Room B-200
10 Washington, DC 20530
11 202-430-4880
12 Email: sfm@usdoj.gov

13 I declare under penalty of perjury under the laws of the United States of
14 America that the foregoing is true and correct.

15 Executed on this 6th day of June, 2024.

16 /s/ David Z. Chesnoff
17 DAVID Z. CHESNOFF
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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of June, 2024, I caused the forgoing document to be filed electronically with the Clerk of the Court through the CM/ECF system for filing; and served on counsel of record via the Court's CM/ECF system.

/s/ Camie Linnell
Employee of Chesnoff & Schonfeld

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

* * * *

UNITED STATES OF AMERICA,)

)

Plaintiff,)

)

CASE NO. 2:24-CR-00091-ODW

v.)

)

ALEXANDER SMIRNOV,)

)

Defendant,)

[PROPOSED] ORDER

)

Upon reviewing Defendant's *Ex Parte* Motion for an Order Shortening Time to be heard on his Motion to Reopen Detention Hearing and Impose Conditions of Release (Dkt 75), and with good cause appearing, said Motion is GRANTED, as follows below.

The Court ORDERS that the hearing on Defendant's Motion (Dkt 75) currently scheduled for June 24, 2024, at 10:00am is hereby advanced so that the Motion will be heard on the _____ day of June, 2024, at the hour of _____.

IT IS SO ORDERED.

Dated:

Honorable Otis D. Wright II
United States District Judge